

### **REMARKS**

Claims 34-38 are presently pending in this application. These claims have not been amended in this response.

The non-final Office Action dated September 8, 2004, raised several issues regarding the specification, drawings and claims. The issues raised in the outstanding Office Action are as follows:

(A) A substitute specification was requested to eliminate marks that could lead to printing errors.

(B) The disclosure was subject to an objection to correct minor informalities.

(C) The drawings were subject to an objection for failing to include a few reference signs.

(D) Claims 34-38 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 34-37 of co-pending application number 10/357,422 (the '422 Application), which is commonly owned with the present application.

(E) Claims 34-38 were rejected under 35 U.S.C. § 103(a) over the '422 Application.

#### **A. Substitute Specification**

A substitute specification excluding the claims is submitted with this response. Pursuant to 37 C.F.R. § 1.125 and 35 U.S.C. § 132, the substitute specification does not include new matter.

#### **B. Response to Objections to the Disclosure**

The disclosure was subject to an objection to correct minor informalities with respect to (a) page 7, lines 10, 13, 15 and 17, and (b) page 15, line 16. The substitute specification set forth above includes the corrections suggested by the Examiner.

**Amendments to the Drawings:**

Enclosed herewith is an amended version of Figures 2A, 5 and 7, in which reference numbers "8," "85," and "120" are added as described in the specification. In accordance with the Office's revised format, these drawings have been labeled "Replacement Sheet."

C. Response to Objections to the Drawings

Figures 2A, 5 and 7 were subject to an objection on the grounds that these figures do not include several reference signs. More specifically, reference sign "8" on page 9, line 14, is missing from Figure 2A; reference sign "85" on page 19, line 15, is missing from Figure 5; and reference sign "120" on page 21, line 8, is missing from Figure 7. Figures 2A, 5 and 7 have been amended to include these reference signs in the attached Replacement Sheets.

D. Response to Double Patenting Rejection

Claims 34-38 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 34-37 of the '422 Application. Enclosed with this paper is a Terminal Disclaimer obviating this rejection.

E. Response to Section 103 Rejection

Claims 34-38 were rejected under 35 U.S.C. § 103(a) over the '422 Application. The present application and the '422 Application both ultimately claim priority to U.S. Application No. 09/045,245 (now U.S. Patent No. 6,197,181). The present application accordingly has the same priority date as the '422 Application, and thus the '422 Application does not qualify as prior art under 35 U.S.C. § 102(e). Moreover, the subject matter of the '422 Application and the claimed invention were, at the time that the claimed invention was made, owned by Semitool, Inc. or subject to an assignment to Semitool, Inc. As a result, even if the '422 Application qualified as prior art under Section 102(e), it could not be used as a basis for a rejection under 35 U.S.C. § 103.

F. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicant accordingly requests reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call Paul Parker at (206) 359-3258.

Respectfully submitted,

Perkins Coie LLP



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